

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17 cr 115**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
STEVE ALLEN TEESATESKIE, JR.)	
)	
_____)	

THIS CAUSE came on to be heard and being heard before the undersigned at the close of a Rule 11 proceeding that was held before this Court on October 2, 2017. It appearing to the Court at the call of this matter on for hearing the Defendant was present with his counsel, Emily Jones and the Government was present and represented through AUSA Justin Eason. From the arguments of counsel for the Defendant and the arguments of the Assistant United States Attorney and the records in this cause, the Court makes the following findings:

Findings. On September 28, 2017 a bill of indictment was issued charging Defendant with assaulting an intimate partner by means of strangling and suffocating in violation of 18 U.S.C. § 113(a)(8) and 1153 and with assaulting an intimate partner resulting in substantial bodily injury in violation of 18 U.S.C. § 113(a)(7) and 1153. On October 2, 2017, the undersigned held an inquiry, pursuant to Rule 11

of the Federal Rules of Criminal Procedure, and accepted a plea of guilty of the Defendant to both counts. At the end of the Rule 11 proceeding, this Court presented the issue of whether or not Defendant should now be detained, pursuant to 18 U.S.C. § 3143(a)(2).

Discussion. 18 U.S.C. § 3143(a)(2) provides as follows: The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer -----

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained unless ----

(A)(i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or

(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; or

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

From an examination of the records in this cause, it appears that Defendant has now entered a plea of guilty to offenses set forth in 18 U.S.C. § 113(a)(8) which is one of the crimes referenced under 18 U.S.C. § 3142(f)(1)(A).

The undersigned made an inquiry of Assistant United States Attorney Justin Eason as to whether or not there is going to be a recommendation that no sentence

of imprisonment be imposed upon the Defendant. Mr. Eason advised the Court that such a recommendation could not be made in this matter.

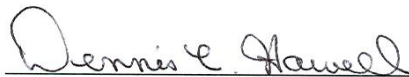
As a result of the plea of guilty, the undersigned cannot find there is a substantial likelihood that a motion for acquittal or new trial will be granted.

It would thus appear from the foregoing, and the Court is of the opinion that the Court is required to apply the factors as set forth under 18 U.S.C. § 3143(a)(2) which require the detention of Defendant.

ORDER

IT IS, THEREFORE, ORDERED, that the Defendant be detained pending further proceedings in this matter.

Signed: October 3, 2017

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Dennis L. Howell
United States Magistrate Judge

